

### REMARKS

Applicants would like to thank Examiner Tawfik for the courtesies extended to Applicants' representatives during the telephonic interview of January 18, 2007 which is summarized below. No claims have been canceled. Claims 19, 24, 26 and 27 are currently amended. New claims 30 and 31 have been added. Accordingly, claims 19-27 and 30-31 are pending.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

### Summary of Examiner Interview

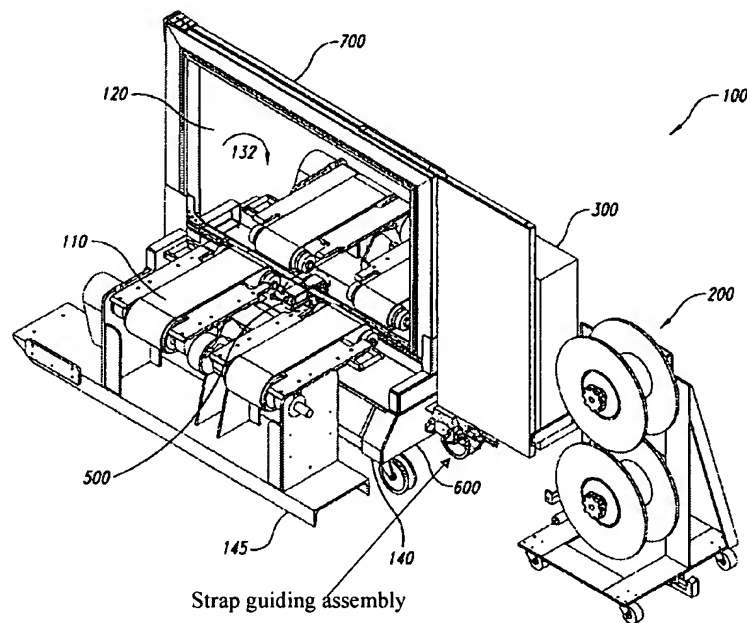
A telephonic interview on January 18, 2007 was conducted and attended by Examiner Sameh Tawfik, Mr. Kevin Costanza (Reg. No. 37,801), and Mr. Karl Klassen (Reg. No. 54,224). During the interview, Applicants' representatives discussed differences between the rejected independent claims and U.S. Patent No. 6,415,712 issued to Helland et al. (Helland). In particular, Applicants' representatives pointed out differences between the disclosed and claimed embodiments in the present application and the teachings of Helland. Neither exhibits nor demonstrations were used during the interview. No agreement was reached.

### Background Discussion: Strap Guiding Assembly vs. Feed and Tension Unit

Strap of the present application is loaded into the strapping machine 100 from a strap dispenser 200. The strap is ultimately routed around the track 700. Between the dispenser 200 and the track 700 is an accumulator 300. During operation of the strapping machine 100, the strap is fed into and removed from the accumulator 300, as necessary. The present invention is directed toward a strap guiding assembly for initially guiding a new strap into the accumulator 300, as stiff strap can be resistant to following a curved path, but can instead sometimes buckle and crease when subjected to longitudinal compressive force. Generally, the strap guiding assembly of Figure 8 of the present application can be used to pre-curve a strap which is then fed into a chamber of an accumulator. See, *e.g.*, Figures 1, 6, and 8 of the present application. Pre-curving the strap can help limit or reduce the likelihood of buckling of the strap during

tensioning, to ensure proper functioning of the strapping machine. The strap guiding assembly has a solenoid 320 that moves a strap diverter 322 and a plurality of strap guide rollers 324 rotatably coupled to the strap diverter 322 so that the strap guide rollers 324 cooperate with a complimentary curved surface 326 to curve the strap upwardly into the accumulator 300.

As shown in Figure 2, reproduced below, the strap guiding assembly (labeled for the Examiner's convenience) is positioned to direct the pre-curved strap upwardly through the entrance and into the chamber of the accumulator.



The curved surface of the strap guiding assembly is convex and oriented towards the accumulator to give the strap an initial curvature when the strap guiding assembly is in the first configuration such that the strap will tend to move into the accumulator when the strap guiding assembly moves into the second configuration and the strap tensioned.

Rejections of Claims 19 –27 under 35 U.S.C. § 102(b) by U.S. Patent No. 6,415,712

Claims 19-27 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 6,415,712 issued to Helland. Applicants respectfully traverse these rejections for at least the reason discussed below.

Claims 19-23

Helland does not disclose each and every limitation of claim 19. Amended claim 19 recites, among other things, that the first member is movably coupled to the second member to move between a first configuration for pre-curving the strap and a second configuration having a curved surface aligned with an entrance of a chamber of the accumulator for delivering a pre-curved section of the strap through an entrance of the chamber into the accumulator. In contrast to claim 19, Helland discloses a feed and tension unit 350 that is not aligned with the entrance of the accumulator 300. As shown in Figure 12 of Helland, the cited unit 350 outputs a strap 202 that is generally straight, not pre-curved.

Additionally, claim 19 further recites that the strap is constrained between the curved surface and two or more of the plurality of rollers when the first member is in the first configuration. In contrast, Helland discloses the feed and tension unit 350 with a single pinch wheel 368 that engages a feed drive wheel 366. Therefore, Applicants respectfully submit that claim 19 is patentably distinguished over Helland.

Dependant claims 20-23 are patentably distinguished over Helland for at least the reasons with respect to claim 19 as well as for novel and nonobvious features recited therein. Thus, claims 19-23 are in condition for allowance.

Claims 24 and 25

Helland does not disclose each and every limitation of claim 24. Amended claim 24 recites, among other things, that the member is in close proximity to the second member to allow two or more of the plurality of rollers to cooperate with the curved surface of the second member to forcibly guide the strap along at least a portion of the curved surface when the first member is in the first position. In contrast to claim 24, Helland discloses the feed and tension unit 350 with a single pinch wheel 368 that engages a feed drive wheel 366. Therefore, Applicants respectfully submit that claim 24 is patentably distinguished over Helland.

Dependant claim 25 is patentably distinguished over Helland for at least the reasons with respect to claim 24 as well as for novel and nonobvious features recited therein. Thus, claims 24-25 are in condition for allowance.

Claim 26

Helland does not disclose each and every limitation of claim 26. Amended claim 26 recites, among other things, a strap guiding assembly positioned and configured to deliver bent strap through the entrance and into the chamber of the accumulator. In contrast to claim 26, the feed and tension unit 350 is spaced apart and separate from the accumulator. Thus, claim 26 is in condition for allowance.

Claim 27

Helland does not disclose each and every limitation of claim 27. Claim 27 recites, among other things, an actuation means for moving the roller means axially apart from the surface means to allow the strap to move away from the curved portion of the surface means and into an accumulator. In contrast to claim 27, the feed and tension unit 350 of Helland incorporates a standard pinch wheel that moves radially, not axially, and, consequently, does not disclose the recited structure or function of allowing the strap to move axially away from the curved portion of the surface means and into an accumulator (i.e., the pinch wheel would be in the way, obstructing the entrance into the accumulator).

Means-plus-function claims, under 35 U.S.C. § 112, paragraph 6, are also evaluated with respect to the corresponding structure described in the present specification. The Examiner fails to identify the structures described in the present specification that correspond to the actuation means, and further fails to specifically identify any structures in the cited Helland reference that are the same as the structures as described in the specification, or equivalents thereof. The feed and tension unit 350 of Helland referenced by the Examiner is not the same as, or even remotely equivalent to, the structures described in the Applicants' specification. Thus, Helland does not teach or suggest the claimed invention, and Applicants respectfully request that the Examiner withdraw the rejection of claim 27.

### New Claims

To claim additional embodiments, claims 30 and 31 have been added. These claims are fully supported by the application as filed. Accordingly, no new matter has been added by this amendment. Consideration of new claims 30 and 31 is respectfully requested.

### Conclusion

Applicants respectfully submit that the claims are in condition for allowance. Any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Any remarks referring to only a portion of a claim should not be understood to base patentability on that portion; rather, patentability must rest on each claim taken as a whole. Applicants respectfully traverse each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches, even if not expressly discussed herein.

Any discussion of embodiments disclosed in the application, and the discussion of the differences between disclosed embodiments and other types of strapping devices, does not define the scope or interpretation of any of the claims. Instead, such background discussion is to help the Examiner appreciate the important distinctions between disclosed embodiments and other types of devices.

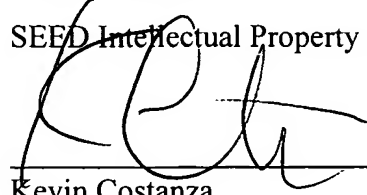
The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully

Application No. 10/764,267  
Reply to Office Action dated September 1, 2006

requested to call Applicants' attorney in order to resolve such issue promptly. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC

A handwritten signature in black ink, appearing to read 'Kevin Costanza', is written over a horizontal line.

Kevin Costanza

Registration No. 37,801

701 Fifth Avenue, Suite 5400  
Seattle, Washington 98104  
Phone: (206) 622-4900  
Fax: (206) 682-6031

898123\_1.DOC